THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 14924 of 1997

Dated: 19-07-2006

Between:

Karri Kanaka Rao

..... PETITIONER

AND

The Commissioner of Prohibition and
Excise, A.P., Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 14924 of 1997

O R D E R:

The petitioner claims to be the owner of a vehicle-Mahindra Van bearing No. AHV 6854. On 30-10-1995 while the petitioner was driving the said vehicle on Kothavalasa-Pendurti Road, by the Prohibition and Excise Inspector, Gajuwaka, intercepted and found that the vehicle was carrying 240 bottles of Indian Made Liquor illegally. Accordingly, the vehicle along with the stock was seized under a panchanama and a case in IPR No.29 &
30/95-96 was registered under Section 8(b) of the A.P. Prohibition Act, 1995 and the petitioner was issued a show cause notice calling upon to show cause as to why the vehicle in question should not be confiscated under the provisions of the Andhra Pradesh Excise Act, 1968 (for short 'the Act'). The petitioner submitted his explanation, and the second respondent, by order, dated 07-06-1996, ordered confiscation of the vehicle in question. Aggrieved by the same, the petitioner preferred an appeal before the first respondent-Commissioner of Prohibition and Excise, which was dismissed by order dated 28-11-1996 thereby confirming the confiscation ordered by the second respondent. The said order is under challenge in this writ petition filed on
10-07-1997. Even prior to that in pursuance of the order of confiscation, the respondents issued a notification for sale of the vehicle in question on 04-07-1997 and accordingly on 22-07-1997 the vehicle was sold in the public auction and the same was delivered to the successful bidder.

Be that as it may, so far as the validity of the order of confiscation is concerned, it is to be noted that the allegation is that the petitioner was transporting 240 bottles of various brands of whisky. Though the petitioner pleaded that he was not aware of the contraband and he was made to believe that the boxes contained electrical goods covered by way-bills, the first respondent disbelieved the said version. That apart, as rightly observed by the first respondent, the petitioner in his explanation to the show cause notice did not deny the allegation but merely contended that the confiscation proceedings cannot be maintained since criminal proceedings were already initiated. Even in support of his subsequent plea that he was made to believe that the boxes contained electrical goods, no way-bills were produced by the petitioner either before the panchas or thereafter.

In the circumstances, I am of the opinion that the respondents 1 and 2 had rightly concluded that the petitioner was guilty of the offence punishable under the Act.

The writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

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G. ROHINI, J

Dated: 19-07-2006
KLP